

# EXHIBIT D

**From:** [Noam Biale](#)  
**To:** ["Murphy, Lindsay M. \(CIV\)"; Kanter, Ethan \(CIV\)](#)  
**Cc:** [Michael Tremonte](#); [Courtney Gans](#); [Alexandra Conlon](#); ["Ramya Krishnan"](#); ["Jameel Jaffer"](#); ["Scott Wilkens"](#); ["Alexander A Abdo"](#); [Graver, Harry \(CIV\)](#); [Yen, Shawna \(USAMA\)](#); [Khojasteh, Sarmad \(CIV\)](#)  
**Subject:** RE: AAUP v. Rubio  
**Date:** Monday, May 19, 2025 6:21:52 PM

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Hi Lindsay,

Thank you for the call today. I checked with my team and we are available to have another meet and confer on Wednesday at 11 AM. Does that work for you?

With respect to your request to appear at the Thursday court conference remotely, we take no position.

Thanks,  
Noam



**Noam Biale**

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**From:** Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>  
**Sent:** Monday, May 19, 2025 2:08 PM  
**To:** Noam Biale <NBiale@shertremonte.com>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>  
**Cc:** Michael Tremonte <MTremonte@shertremonte.com>; Courtney Gans <CGans@shertremonte.com>; Alexandra Conlon <Aconlon@shertremonte.com>; 'Ramya Krishnan' <ramya.krishnan@knightcolumbia.org>; 'Jameel Jaffer' <jameel.jaffer@knightcolumbia.org>; 'Scott Wilkens' <scott.wilkens@knightcolumbia.org>; 'Alexander A Abdo' <alex.abdo@knightcolumbia.org>; Graver, Harry (CIV) <Harry.Graver@usdoj.gov>; Yen, Shawna (USAMA) <Shawna.Yen@usdoj.gov>; Khojasteh, Sarmad (CIV) <Sarmad.Khojasteh@usdoj.gov>  
**Subject:** RE: AAUP v. Rubio

Thanks for the reminder! I'll send one now.

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**From:** Noam Biale <NBiale@shertremonte.com>  
**Sent:** Monday, May 19, 2025 2:04 PM  
**To:** Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>

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**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Ok thanks. Please let us know if you will circulate a Teams invite or we should do so.



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**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>  
**Sent:** Monday, May 19, 2025 1:54:24 PM  
**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan' <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>  
**Subject:** RE: AAUP v. Rubio

Thanks, Noam. That agenda looks good. We don't have any other items to add.

Best,  
Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Monday, May 19, 2025 1:18 PM  
**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan' <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna

(USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** [EXTERNAL] RE: AAUP v. Rubio

Dear All:

Here is our proposed agenda for this afternoon's meet and confer:

- Your motion – are you planning to file it? If so, what is the scope and what is the legal basis?
- Our respective proposed discovery schedules
- Protective order/Privacy Act concerns
- Your responses on our revised RFPs and Interrogatories
- Proposed joint letter to the Court in advance of Thursday

Please let us know if you would like to add anything.

Regards,

Noam



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**From:** Noam Biale

**Sent:** Monday, May 19, 2025 11:23 AM

**To:** 'Murphy, Lindsay M. (CIV)' <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan' <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** RE: AAUP v. Rubio

Dear Lindsay,

As discussed, here are revised RFPs and Interrogatories based on our discussion of your concerns in our last meet and confer.

We look forward to speaking with you this afternoon.

Regards,

Noam



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**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Sent:** Friday, May 16, 2025 10:08 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

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**Subject:** RE: AAUP v. Rubio

Hi Noam,

We don't yet have a position on whether/when we'll be filing a motion for a protective order. If we have any updates Monday, we'll share them with you during the call.

Best,

Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Friday, May 16, 2025 6:07 PM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan'

<[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Thank you, Lindsay. Are we correct to infer from your email that you have decided not to file a motion for a protective order?

We would like to keep the meet and confer on the calendar so we can discuss scheduling and other matters. Talk to you then.

Best,  
Noam



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**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>  
**Sent:** Friday, May 16, 2025 4:30:15 PM  
**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan' <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>  
**Subject:** RE: AAUP v. Rubio

Hi Noam,

Thanks for your flexibility on timing for the Monday meet and confer. Defendants would like to propose the following schedule for the exchange of discovery requests and responses/objections. If Plaintiffs are amenable to it, then there may not be a need to meet on Monday.

To the extent that Plaintiffs intend to narrow the requests based on the concerns we raised, we would appreciate receiving the amended requests as soon as practicable.

May 23, 2025 – Deadline to serve requests for production and interrogatory requests.

June 6, 2025 – Deadline to serve responses and objections to requests for production and interrogatory requests.

June 11, 2025 – Deadline for parties to meet and confer on date by which document productions should be completed and the need for deposition scheduling.

Please let us know if you are amenable to the schedule. If so, we will circulate a stipulation to be filed with the Court.

Thank you,  
Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Friday, May 16, 2025 1:48 PM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; 'Ramya Krishnan' <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott Wilkens' <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; 'Alexander A Abdo' <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Hi Lindsay,

5:30pm is tricky for me personally but we can get a group of plaintiffs' counsel together to have the call with you then. And I should be able to join but may be late.

Thanks and have a good weekend,  
Noam



**Noam Biale**

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---

**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Date:** Friday, May 16, 2025 at 1:10 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>, Kanter, Ethan (CIV)

<[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

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Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>, Khojasteh, Sarmad (CIV)

<[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** RE: AAUP v. Rubio

Hi Noam and all,

My apologies, but it turns out that we have a conflict on Monday at 3:15pm. Would it be possible to push our meet & confer to 5:30pm on Monday instead?

Thank you,

Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Thursday, May 15, 2025 2:15 PM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV)

<[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

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<[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; 'Jameel Jaffer' <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; 'Scott

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<[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna

(USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** [EXTERNAL] RE: AAUP v. Rubio

Hello All:

The prior version of the draft stipulation I sent around omitted one statement that we had intended to include. Please disregard the prior version and use the version attached to this email.



Thanks and apologies for any confusion,  
Noam



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**From:** Noam Biale

**Sent:** Thursday, May 15, 2025 10:53 AM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; Ramya Krishnan <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; Jameel Jaffer <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; Scott Wilkens <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; Alexander A Abdo <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** RE: AAUP v. Rubio

Lindsay et al.:

Following up on something I mentioned on our last meet and confer, and to add to our discussion for this afternoon, attached please find a draft stipulation regarding authenticity of statements of government officials relevant in this case. Please let us know if you have any edits or, if not, please send us a copy with your signature.

Regards,  
Noam



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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Wednesday, May 14, 2025 11:12 PM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

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**Subject:** Re: AAUP v. Rubio

Hi Lindsay,

We will be prepared to speak with you tomorrow about the scope and relevance of our RFPs and would like to hear about any privileges you intend to assert – those are the purposes of the meet and confer that we have been asking you to have with us. I’m not aware, however, of any authority for a general motion “pertaining to the propriety [of] discovery” where a motion to dismiss has already been denied. So, in order to make good use of our time – and for us to address whether there can be any agreement on your proposed motion – could you please let us know the legal basis on which you intend to rely?

Thanks,

Noam



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---

**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Date:** Wednesday, May 14, 2025 at 10:03 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>, Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

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<[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>, Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>, Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>, Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** RE: AAUP v. Rubio

Noam,

Following up on Ethan's message from earlier this afternoon, we do not believe that a motion would be premature at this stage. As we will discuss tomorrow, the motion we are considering pertains to the propriety discovery in this case and, accordingly, it should be filed and decided prior to the commencement of any discovery. The Judge's order on this potential motion should necessarily contour and limit the scope of permissible discovery, if any, going forward. For that reason, we believe it is premature to agree to a proposed discovery schedule or to the terms of a protective order. We propose discussing the following with you tomorrow:

- Any grounds for agreement on our motion
- The scope of Plaintiffs' RFPs and ROGs given Judge Young's focus
- The relevance of Plaintiffs' RFPs and ROGs to an alleged secret ideological deportation policy
- The assertion of certain privileges

Thank you,  
Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Wednesday, May 14, 2025 4:45 PM

**To:** Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; Ramya Krishnan <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; Jameel Jaffer <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; Scott Wilkens <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; Alexander A Abdo <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>

**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Thanks, Ethan. Talk to you then.

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**From:** Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
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**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
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**Subject:** RE: AAUP v. Rubio

Hi Noam: let's meet tomorrow at 4 p.m. (I will send a Teams invite for an audio conference call). Later today, we plan to send you a more detailed response on the matters you raise below, which we can also address further with you in our meet and confer. Thanks,

Ethan

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Tuesday, May 13, 2025 9:53 PM  
**To:** Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; Ramya Krishnan <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; Jameel Jaffer <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; Scott Wilkens <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; Alexander A Abdo <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>; Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Dear Ethan:

Thank you for your email.

When we spoke on Friday, you agreed to get us a response to our proposed discovery

schedule by EOD Monday. No response came, so we served discovery requests on the date contemplated by our proposed schedule. You still have not responded with your own proposal for a schedule – which we are happy to consider – nor have you responded to our draft protective order.

Regarding the RFPs, to the extent that you think any of the requests are overbroad, we should discuss those in a meet and confer. We would prefer to speak tomorrow so we can sort out any specific objections you have, but we are available at your convenience during the windows you proposed on Thursday. Jumping ahead to discussing a motion seems premature to us, but to the extent you would like to discuss that during the meet and confer we are prepared to do so.

In the meantime, however, you have been on notice since the court appearance last Tuesday that we would be seeking, at minimum, the contemporaneous communications about, and the names, titles, and roles of the individuals involved in, the three cases Judge Young identified. Judge Young made quite clear that we are entitled to those materials. As noted in my prior correspondence, those materials have already been requested in and presumably gathered for other litigations. Some of those materials have been cited by courts in those cases, as the RFPs make clear. Accordingly, while we discuss the other discovery requests, you should get us those materials immediately.

Let us know when you would like to speak – we are looking forward to it.

Regards,  
Noam



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---

**From:** Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>

**Date:** Tuesday, May 13, 2025 at 8:40 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

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**Subject:** RE: AAUP v. Rubio

Dear Counsel: the difficulty in responding to your proposed schedule yesterday arose in part from the unspecified number of discovery requests, as well as their indeterminate scope. Even one RFP can yield dramatically different results in terms of document volume, for example, without first constructing the search and carrying out the document pull.

Your service of discovery requests today now confirms that the number and scope of the discovery requests that Plaintiffs envision are impracticable and render discovery impossible to complete as directed by the Court's trial schedule. As we thought we agreed last Friday, any discovery in this case must be reasonable and achievable to meet a July 7 trial date. RFPs in particular can generate many thousands of documents, all of which need to be collected, uploaded, reviewed by multiple stakeholders, client agencies, and attorneys, as well as potential non-party agencies with equities in the documents and privileges to assert over them.

For these reasons, we want to apprise you that the Government is now considering filing for a protective order, or to stay, prevent, or limit discovery. We propose to meet and confer with you about this potential motion. We hope that we can reach a consensus of what discovery may be appropriate, and jointly present that consensus to the Court to obviate our need to prepare and file this motion.

Finally, I recognize that last night – prior to receiving Plaintiffs' discovery requests – I indicated that we envisioned meeting with you tomorrow, and that we would propose some M&C timeframes to do so. The recent discovery requests are being reviewed carefully and considered by stakeholders and agency components, and we need additional time for consultation on our potential legal motion. Nevertheless, considering the Court's expectation that we address these matters in a reasonably expedited timeframe, we propose to meet and confer with you on Thursday about the practical ramifications of your discovery requests and what might be achievable to meet the Court's trial schedule, and also to discuss your position on our potential motion.

To that end, please let us know your availability to meet and confer on Thursday between 1 and 3, or 4 and 5 p.m.

Thanks,

Ethan

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Tuesday, May 13, 2025 12:26 PM  
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**Subject:** [EXTERNAL] RE: AAUP v. Rubio

Thank you, Ethan. On Wednesday, we are available from 10 to 11:15 and 1 to 2. Please let us know what works on your end.

In addition, I am attaching to this email our first requests for production and interrogatories. As discussed on our last call, we propose having three rounds of RFPs. On the call, you indicated you would likely agree to that – can you please let us know your position?

Regards,  
Noam



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**From:** Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>  
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**Subject:** RE: AAUP v. Rubio

Counsel: I wanted to let you know that we have a lot of stakeholders and will respond tomorrow, along with meet and confer times for Wednesday. Thanks,

Ethan

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Monday, May 12, 2025 5:55 PM  
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**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; Ramya Krishnan <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; Jameel Jaffer <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; Scott Wilkens <[scott.wilkens@knightcolumbia.org](mailto:scott.wilkens@knightcolumbia.org)>; Alexander A Abdo <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>  
**Subject:** [EXTERNAL] Re: AAUP v. Rubio

Hi All,

Just wanted to check in on your proposed revisions to the schedule, as well as any comments on the PO, and see when we can get on a call tomorrow.

Thanks,  
Noam



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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Saturday, May 10, 2025 4:37:42 PM  
**To:** Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>; Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Khojasteh, Sarmad (CIV) <[Sarmad.Khojasteh@usdoj.gov](mailto:Sarmad.Khojasteh@usdoj.gov)>  
**Cc:** Michael Tremonte <[MTremonte@shertremonte.com](mailto:MTremonte@shertremonte.com)>; Courtney Gans <[CGans@shertremonte.com](mailto:CGans@shertremonte.com)>; Alexandra Conlon <[Aconlon@shertremonte.com](mailto:Aconlon@shertremonte.com)>; Ramya Krishnan <[ramya.krishnan@knightcolumbia.org](mailto:ramya.krishnan@knightcolumbia.org)>; Jameel Jaffer <[jameel.jaffer@knightcolumbia.org](mailto:jameel.jaffer@knightcolumbia.org)>; Scott



Wilkins <[scott.wilkins@knightcolumbia.org](mailto:scott.wilkins@knightcolumbia.org)>; Alexander A Abdo <[alex.abdo@knightcolumbia.org](mailto:alex.abdo@knightcolumbia.org)>

**Subject:** Re: AAUP v. Rubio

Will do.



**Noam Biale**

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**From:** Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>

**Sent:** Saturday, May 10, 2025 4:31:11 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Yen, Shawna (USAMA) <[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>;

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**Subject:** RE: AAUP v. Rubio

Thanks, Noam. Can you please include Sarmad (cc'd) on future correspondence too?

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**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Saturday, May 10, 2025 3:53 PM

**To:** Graver, Harry (CIV) <[Harry.Graver@usdoj.gov](mailto:Harry.Graver@usdoj.gov)>; Yen, Shawna (USAMA)

<[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>; Kanter, Ethan (CIV) <[Ethan.Kanter@usdoj.gov](mailto:Ethan.Kanter@usdoj.gov)>; Murphy, Lindsay M. (CIV)

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**Subject:** [EXTERNAL] AAUP v. Rubio

Dear Counsel,

Please pardon the weekend interruption. Attached you will find a letter concerning yesterday's meet and confer and a draft protective order (in both PDF and Word formats). We would like to schedule a follow up call for Tuesday morning. Please let us know when would be a

convenient time for you to speak.

Regards,  
Noam



**Noam Biale**

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